

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**SHEILA A. COLLINS, DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT**

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Document

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| 1. January 11, 2016 | - | Notice of Formal Proceedings and Charges |
| 2. January 29, 2016 | - | Answer to Notice of Formal Proceedings |
| 3. February 1, 2016 | - | Entry of Appearance |
| 4. February 17, 2016 | - | Notice of Time and Place for Hearing |

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**SHEILA A. COLLINS, DISTRICT COURT JUDGE
30TH JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were District Court Judge for Kentucky's 30th Judicial Circuit located in Jefferson County. The charges are as follows:

On June 11, 2015, you presided over a bond reduction hearing in *Commonwealth v. Lomac Jeter*, Case No. 15-M-9629. In that case, Mr. Jeter was charged with Assault in the 4th Degree (Domestic Violence) for allegedly assaulting Jasmine Stone. During the bond reduction hearing Ms. Stone recanted the allegations and claimed that Mr. Jeter did not assault her. Upon hearing her recantation you became upset and ordered the sheriff to take Ms. Stone into custody, demanded he charge Ms. Stone with False Swearing and ordered that she be remanded to jail and set a \$10,000.00 cash bond. This was done despite protests from both the public advocate and the prosecutor. Your actions violated Ms. Stone's due process rights inasmuch as you took her into custody without holding a hearing, without advising her of her rights prior to questioning, and without appointing an attorney to represent her. You later refused to lower the bond even upon learning that Mr. Jeter had contacted Ms. Stone and pressured her to recant.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

Canon 1 which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.

Canon 2A which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3B(4) which requires judges to be dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.

Canon 3B(8) which requires a judge to dispose of a matter promptly, efficiently, and fairly.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which read in pertinent part as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
 - (i) Misconduct in office.
 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, Kentucky 40604-4266.

January 11th, 2016


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Sheila A. Collins, Jefferson District Court Judge, by mailing same to her attorney, Hon. Stephen P. Ryan, 7104 Hillcircle Court, Louisville, KY 40214 this 11th day of January, 2016.



JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF
JCC CASE NUMBER 2015-127
SHEILA A COLLINS, DISTRICT COURT
30TH JUDICIAL DISTRICT

ANSWER TO NOTICE
OF FORMAL PROCEEDINGS

Comes Judge Sheila A. Collins, by counsel, Stephen P. Ryan, and for her answers to the charges states as follows:

1. Judge Collins admits that she presided over the hearing in question.
2. Judge Collins denies that she "became upset" during the bond reduction hearing. The witness was proffered by the attorney for the defendant. The witness, in front of the entire courtroom, told Judge Collins that she lied about most of the allegations which were the cause of the defendant's incarceration. She lied on a sworn statement to support the issuance of an EPO against the defendant and she lied to the police officer about all of the instances of domestic violence alleged to have been committed by him on her.
3. After the witness told the court that she even lied about being pregnant, Judge Collins did order the Sheriff to take the witness into custody.
4. Judge Collins did not "demand", rather directed the Sheriff to file false swearing charges against the witness. The Sheriff is a female, not a male as stated in the notice.
5. Judge Collins did set a bond of \$10,000 for the offense cited.
6. The Assistant County Attorney never objected to the questioning of the witness. She never requested or suggested that the witness should be advised of her rights although she later indicated that she was aware that the witness had either lied in her sworn statement or was lying in court. The prosecutor knew that the sole purpose of the Court's questioning of the witness was to determine if bond relief should be considered. Her only objection was made after the court directed the charges to be filed, after the witness repeatedly acknowledged that she had committed perjury/false swearing.
7. Contrary to the assertions in the Formal Charges, there was no protest by any public advocate. There was no protest by the attorney who proffered her as a witness. There was barely an objection by the Assistant County Attorney.

8. Approximately one hour after all of the aforementioned took place, Judge Collins was approached by another Assistant County Attorney Supervisor and asked to reconsider her decision. Judge Collins was advised that the Supervisor believed the defendant had contacted the witness by phone and threatened the witness to lie. Judge Collins requested the proof of said contact. The Supervisor acknowledged that she did not actually have the tapes of the conversations and that she had not actually heard the tapes. Judge Collins advised her to bring in the tapes the next morning and that Judge Collins would reconsider after hearing some proof on the matter.
9. If the witness's due process rights were violated in this instance, said violation was totally unintentional and without malice. Judge Collins, in good faith, believed that the proper way to handle the witness's statements about her intentional lies was to have her charged with False Swearing. Judge Collins acknowledges that it was her mistake not holding the witness in Contempt of Court, which the Judge had every right to do.
10. Judge Collins categorically denies that her actions constitute misconduct. She further denies any violations of the Canons of the Code of Judicial Conduct, specifically those cited in your Formal Charges: Canon 1, Canon 2A, Canon 3B(4) and 3B(8).
11. Finally, Judge Collins states affirmatively that this Commission lacks jurisdiction to proceed based upon SCR 4.020(2) which states in its entirety

(2) ANY ERRONEOUS DECISION MADE IN GOOD FAITH SHALL NOT BE SUBJECT TO THE JURISDICTION OF THE COMMISSION

Respectfully submitted,



STEPHEN P. RYAN, COUNSEL FOR RESPONDENT
7104 Hillcircle Road
Louisville, Kentucky 40214
502-551-1083
Stephen_Ryan@rocketmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to:
Ms. Jimmy Shaffer, Executive Secretary, Judicial Conduct Commission and Hon.
Jeff Mando this 29 day of January, 2016.


STEPHEN P. RYAN

RECEIVED

FEB 01 2016

JUDICIAL CONDUCT
COMMISSION

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

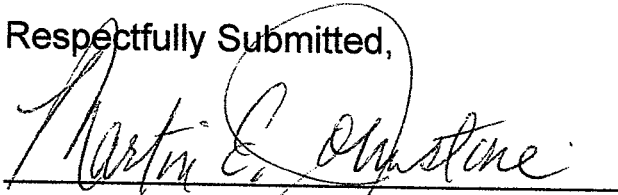
JCC Case Number 2015-127

SHEILA COLLINS, DISTRICT COURT
30th JUDICIAL DISTRICT

ENTRY OF APPEARANCE

Please take notice that Martin E. Johnstone hereby enters his appearance as Co-Counsel for Judge Sheila Collins in the above-styled case. Please include all copies of all pleadings, notices, Orders and correspondence to the attention of the undersigned.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Martin E. Johnstone", is written over a horizontal line.

Martin E. Johnstone
6300 Hunting Harbor Road
Prospect, KY 40059

(502) 228-4403
martinjohnstone49@gmail.com

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**SHEILA A. COLLINS, DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT**

NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing April 19, 2016, at 9:00 a.m. in the Jefferson County Judicial Center, 10th Floor Appellate Courtroom, 700 West Jefferson Street, Louisville, Kentucky, 40202.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Judge Sheila A. Collins, Jefferson District Court Judge, by mailing and emailing same to her attorneys, Stephen P. Ryan, 7104 Hillcircle Court, Louisville, KY 40214, and Martin E. Johnstone, 6300 Hunting Harbor Road, Prospect, KY 40059; and upon counsel for the Judicial Conduct Commission, Jeffrey C. Mando and Louis D. Kelly, 40 West Pike Street, Covington, KY 41011, this 17th day of February, 2016.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY

Judge David P. Bowles recused from any consideration of this matter.